

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1572 - 2077**

February 28, 2020

**SUMMARY OF BILL:** Requires schools that receive state or local funding to require athletes to participate with and compete against other athletes based on the biological sex as indicated on each athlete's birth certificate, issued at the time of birth, for any official for unofficial school-sanctioned athletic or sporting event. Requires schools that violate this requirement to be ineligible to receive public funds from this state or a local government. Requires a district attorney general to bring a civil action in circuit court against a state or local official who intentionally violates this section. Establishes a civil penalty of no more than \$10,000 for a violation of this section. Requires that any state or local official who intentionally violates this section to immediately vacate their office and become ineligible to hold public office or a position as a school administrator or principal for a period of five years.

**ESTIMATED FISCAL IMPACT:**

**Other Fiscal Impact – A violation or failure to comply with federal regulations may jeopardize recurring federal funding for education.**

Assumptions:

- The legislation requires elementary and secondary schools that receive public funding to ensure that student athletes participate in school-sanctioned sports based on the student's biological sex as indicated on certificate issued at time of birth.
- Title IX of the Education Amendments of 1972 prohibits a person, on the basis of sex, from being excluded from participation in, to be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis.
- Requiring athletes to participate with and compete against other athletes based on the biological sex may exclude certain genders from participation in specific sports.
- Further, based on information from DOE, prohibiting students who do not have a birth certificate from participating in athletics may be violation of federal law.
- To the extent that proposed legislation results in a violation of federal law, recurring federal funds for education in an amount up to \$623,400,000 may be jeopardized; however, because the extent or timing, or potential occurrence of any violation is unknown, a precise impact to state and local government cannot be reasonably determined.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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